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Crl.O.P.No.13816 of 2024
& Crl.M.P.No.8415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13816 of 2024
& Crl.M.P.No.8415 of 2024

Gowthamapriyan.

... Petitioner/Defacto Complainant

/versus/

1. State Rep. by,
The Inspector of Police,
Chengam Police Station,
Chengam – 606 701.

2. Lakshmi.
(Special S.C.No.30 of 2022)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the case in Final report in Special S.C.No.30 of 2022 pending on the file of the Special Court for Exclusive Trial Cases under POCSO Act, Thiruvannamalai.

For Petitioner : Ms.S.Deepika

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner herein is the accused in Special S.C.No.30 of 2022 for the offences under Section 345 D, 363, 366 of I.P.C r/w Section 11(5), 12 (9)(1), 10 of POCSO Act.

2. The petitioner herein is absconding pending trial and Non-bailable warrant is pending against him, hence trial could not be proceeded. Meanwhile, he has filed present petition to quash the proceedings on the ground that F.I.R, complaint and statement made by the defacto complainant who is the mother of the victim does not attract the provisions of the POCSO Act and also made an allegation that to counterblast the case filed by the defacto complainant, the present F.I.R been registered. That apart, he also states that he had romantic relationship with the victim girl and therefore, there cannot be a prosecution against him for the offence mentioned above.

2. The Learned Counsel for the petitioner contended that there is no material to attract offence under POCSO Act and would submit that the evidence collected during the course of investigation does not provide any ingredient for offence required to charge for sexual assault.

3. The Learned Government Advocate (Crl.Side) for the



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respondent apart from other material to substantiate the charge, the statement of the victim girl to magistrate recorded under Section 164 Cr.P.C., would clearly reveal that the girl was subjected to sexual torture by the petitioner herein and also he forcibly took her in two wheeler for causing physical hurt. He had threatened her with dire consequence if she does not accompany him. The girl was rescued by the passerby by intercepting the accused while he was fleeing in his two wheeler abducting the girl.

4. This Court, on perusing Section 164 of Cr.P.C., statement of victim girl find that the petitioner herein had involved in grave offence been now prosecuted after completion of investigation. Alleging that he had romantic relationship with the victim, the accused is now before this Court, seeking quash of the case. Furthermore, to escape from the rigor of law, he has also filed counter complaints which has to be tested based on record and evidence. In addition he is absconding and not subjected himself for trial.

5. This Court finds that the present petition is sheer abuse of process of law to put spokes in due execution of the Non-Bailable Warrant. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.



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Index : Yes/No.
Neutral Citation : Yes/No.
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Copy to:-

1. The Special Court for Exclusive Trial Cases POCSO, Thiruvannamalai.
2. The Inspector of Police, Chengam Police Station, Chengam – 606 701.
3. The Public Prosecutor, High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN, J.

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